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HOUSE BILL 425

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Daniel P. Silva

AN ACT

RELATING TO WINE; REMOVING LIMITS ON INTRASTATE SHIPMENTS OF WINE; ALLOWING SALES BY THE GLASS AT OFF-PREMISES LOCATIONS; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-6A-11 NMSA 1978 (being Laws 1981, Chapter 39, Section 28, as amended by Laws 2001, Chapter 248, Section 1 and by Laws 2001, Chapter 260, Section 1) is amended to read:

"60-6A-11. WINEGROWER'S LICENSE.--

A. Exempt from the procurement of any other license pursuant to the terms of the Liquor Control Act, but not from the procurement of a winegrower's license, is any person in this state who produces wine. Except during periods of shortage or reduced availability, at least fifty percent of a

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underscoring material = new
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1 winegrower's overall annual production of wine shall be
2 produced from grapes or other agricultural products grown in
3 this state pursuant to rules adopted by the director.

4 B. A person issued a winegrower's license pursuant
5 to this section may do any of the following:

6 (1) manufacture or produce wine, including
7 blending, mixing, flavoring, coloring, bottling and labeling,
8 whether the wine is manufactured or produced by or for the
9 winegrower;

10 (2) store, transport, import or export wines;

11 (3) sell wines to a holder of a New Mexico
12 winegrower's, wine wholesaler's, wholesaler's or wine
13 exporter's license or to a winegrower's agent;

14 (4) transport [~~not more than one hundred~~]
15 cases of wine [~~in a calendar year~~] to another location within
16 New Mexico by common carrier;

17 (5) deal in warehouse receipts for wine;

18 (6) sell wines in other states or foreign
19 jurisdictions to the holders of any license issued under the
20 authority of that state or foreign jurisdiction authorizing
21 the purchase of wine;

22 (7) buy wine or distilled wine products from
23 other persons, including licensees and permittees under the
24 Liquor Control Act, for use in blending, mixing or bottling of
25 wines;

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1 (8) conduct wine tastings and sell, by the
2 glass or by the bottle or sell in unbroken packages for
3 consumption off the premises but not for resale, wine of his
4 own production or wine produced by another New Mexico
5 winegrower on the winegrower's premises;

6 (9) at no more than three off-premises
7 locations, conduct wine tastings, sell by the glass and sell in
8 unbroken packages for consumption off premises, but not for
9 resale, wine of his own production or wine produced by another
10 New Mexico winegrower after the director has determined that
11 the off-premises locations meet the requirements of the Liquor
12 Control Act and the department rules for new liquor license
13 locations;

14 (10) be deemed a manufacturer for purposes of
15 the Gross Receipts and Compensating Tax Act; and

16 (11) at public celebrations on or off the
17 winegrower's premises, after the winegrower has paid the
18 applicable fees and been issued the appropriate permit, to
19 conduct wine tastings, sell by the glass or the bottle or sell
20 in unbroken packages, for consumption off premises but not for
21 resale, wine produced by or for the winegrower.

22 C. ~~[Except as limited by Subsection D of Section~~
23 ~~60-7A-1 NMSA 1978]~~ Sales of wine as provided for in this
24 section shall be permitted between the hours of 7:00 a.m. and
25 midnight Monday through Saturday, and the holder of a

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1 winegrower's license or public celebration permit may conduct
2 wine tastings and sell, by the glass or bottle or in unbroken
3 packages for consumption off premises but not for resale, wine
4 of his own production on the winegrower's premises between the
5 hours of 12:00 noon and midnight on Sunday.

6 D. At public celebrations off the winegrower's
7 premises in any local option district permitting the sale of
8 alcoholic beverages, the holder of a winegrower's license
9 shall pay ten dollars (\$10.00) to the alcohol and gaming
10 division of the regulation and licensing department for a
11 "winegrower's public celebration permit" to be issued under
12 rules adopted by the director. Upon request, the alcohol and
13 gaming division of the regulation and licensing department may
14 issue to a holder of a winegrower's license a public
15 celebration permit for a location at the public celebration
16 that is to be shared with other winegrowers and small brewers.
17 As used in this subsection, "public celebration" includes any
18 state or county fair, community fiesta, cultural or artistic
19 event, sporting competition of a seasonal nature or activities
20 held on an intermittent basis.

21 E. Every application for the issuance or annual
22 renewal of a winegrower's license shall be on a form prescribed
23 by the director and accompanied by a license fee to be computed
24 as follows on the basis of total annual wine produced or
25 blended:

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(1) less than five thousand gallons per year,
twenty-five dollars (\$25.00) per year;

(2) between five thousand and one hundred
thousand gallons per year, one hundred dollars (\$100) per year;
and

(3) over one hundred thousand gallons per
year, two hundred fifty dollars (\$250) per year."